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PTO/SB/21 (6-99)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/758,307	
	Filing Date	January 14, 2004	
	First Named Inventor	Melody A. Cobleigh, et al.	
	Group/Art Unit	1632	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	-----	Attorney Docket Number	39740-0008A

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement and PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 26 references submitted and a stamped return postcard.
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	David C. Foster, Reg. No. 44,685 HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	May 16, 2005	Customer Number:	25213

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Typed or printed name	Sandra Puljic		
Signature		Date	May 16, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

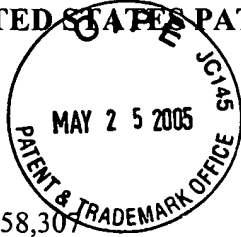
In re application of:

Melody A. Cobleigh, et al.

Application Serial No. 10/758,307

Filed: January 14, 2004

For: **GENE EXPRESSION MARKERS
FOR BREAST CANCER
PROGNOSIS**



Examiner: Unassigned

Art Unit: 1632

Attorney's Docket No. 39740-0008A

Customer No. 25213

DATE MAILED: MAY 16, 2005

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

MAIL STOP AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication except U.S. patents and patent application publications (1276 OG 55), is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Form Supplemental PTO-1449 is enclosed and the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

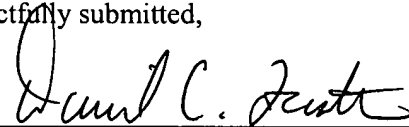
☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39740-0008A)**.

Respectfully submitted,

By:


David C. Foster (Reg. No. 44,685)

Dated: May 16, 2005

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Form PTO-1449 INFORMATION DISCLOSURE STATEMENT	Attorney's Docket No. 39740-0008A	Application Serial No. 10/758,307
	Applicant(s) Melody A. COBLEIGH, et al.	
(use several sheets if necessary)	Filing Date: January 14, 2004	Group Art Unit: 1632

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.	12/14/1999	6,001,583	Margolis	435	7.23	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	2.	12/27/2002	WO 02/103320	Dai et al.	G01N			
	3.	06/07/2001	WO 01/40466	Baker et al.	C12N	15/12		
	4.	08/01/2002	WO 02/059377	Mack et al.	C12Q	1/68		
	5.	07/18/2002	WO 02/055988	Gish et al.	G01N			
	6.	09/27/2001	WO 01/70979	Lee et al.	C12N	15/12		
	7.	10/09/2003	WO 03/083096	Delaney et al.	C12N	9/12		
	8.	06/13/2002	WO 02/46467	Bertucci et al.	C12Q	1/68		
	9.	09/06/2002	WO 02/068579	Venter et al.	C12G			
	10.	01/21/1999	WO 99/02714	Billing-Medel et al.	C12/N	15/63		
	11.	09/21/2000	WO 00/55173	Rosen et al.	C07H	21/04		
	12.	08/31/2000	WO 00/50595	Gout et al.	C12N	15/12		
	13.	01/03/2002	WO 02/00677	Birse et al.	C07H	21/02		
	14.	01/31/2002	WO 02/08261	Botstein et al.	C07K	14/00		
	15.	01/31/2002	WO 02/08260	Botstein et al.	C12/N	15/52		
	16.	01/31/2002	WO 02/08282	Botstein et al.	C07K	14/47		
	17.	01/31/2002	WO 02/08765	Botstein et al.	G01N	33/574		
	18.	08/02/2001	WO 01/55320	Rosen et al.	C12N			

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	19.	Bhattacharjee <i>et al.</i> , "Classification of human lung carcinomas by mRNA expression profiling reveals distinct adenocarcinoma subclasses", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 24, pp. 13790-13795, November 20, 2001.
	20.	Golub <i>et al.</i> , "Molecular Classification of Cancer: Class Discovery and Class Prediction by Gene Expression Monitoring", Science, Vol. 286, pp. 531-537, October 15, 1999.
	21.	Martin <i>et al.</i> , "Linking Gene Expression Patterns to Therapeutic Groups in Breast Cancer", Cancer Research, Vol. 60, pp. 2232-2238, April 15, 2000.
	22.	Perou <i>et al.</i> , "Molecular portraits of human breast tumors", Nature, Vol. 406, pp. 747-752 (2000)
	23.	Ramaswamy <i>et al.</i> , "Multiclass cancer diagnosis using tumor gene expression signatures", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 26, pp. 15149-15154, December 18, 2001.
	24.	Sorlie <i>et al.</i> , "Gene Expression patterns of breast carcinomas distinguish tumor subclass with clinical implications", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 19, pp. 10869-10874, September 11, 2001.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

Form PTO-1449		Attorney's Docket No. 39740-0008A	Application Serial No. 10/758,307
INFORMATION DISCLOSURE STATEMENT		Applicant(s) Melody A. COBLEIGH, et al.	
		Filing Date: January 14, 2004	Group Art Unit: 1632
<i>(use several sheets if necessary)</i>			
25.	West <i>et al.</i> , "Predicting the clinical status of human breast cancer by using gene expression profiles", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 20, pp. 11462-11467, September 25, 2001.		
26.	Yan <i>et al.</i> , "Dissecting Complex Epigenetic Alterations in Breast Cancer Using CpG Island Microarrays", Cancer Research, Vol. 61, pp. 8375-7380, December 1, 2001.		
27.	Yeang <i>et al.</i> , "Molecular Classification of Multiple Tumor Types", Bioinformatics, Vol. 17, Suppl: 1, pp. S316-S322 (2001)		

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